



AGENDA
McLEAN COUNTY ZONING BOARD OF APPEALS
Tuesday, May 2, 2017
Room 400, Government Center
115 East Washington Street, Bloomington, IL

CALL TO ORDER BY CHAIR

ROLL CALL BY SECRETARY AND DECLARATION OF A QUORUM

APPEARANCE BY MEMBERS OF THE PUBLIC *(An opportunity is provided for members of the public to address the public officials on matters not listed below. Public comment will not exceed 20 minutes. Each member of the public will be allowed 3 minutes of commentary.)*

7:00 P.M. – Case ZV-17-03, application of Brian and Terry Funk, acting as individuals, for a variance in total area of accessory building requirements to be 7,856 square feet rather than 2,400 square feet as allowed, and a variance in side wall height requirements to allow side wall height of a detached accessory building to be 18 feet rather than 12 feet as allowed in the R-1 Single Family Residence District; and is located in Funks Grove Township at 5667 Maple Lane, McLean, IL. This is a final decision on May 2, 2017.

7:20 P.M. – Continuation of Case AP-15-01 from April 4, 2017, appeal by Timothy and Rosemarie Carter in case AP-15-01 of the decision of the Director of the Department of Building and Zoning in a September 22, 2015 notice of violation in which the Zoning Enforcement Officer determined a noise disturbance caused by the discharge of firearms was taking place on property at 14427 N 900 East Rd., Bloomington, IL, in the Agriculture District in violation of the Zoning Ordinance. This case was remanded back for a new hearing by the Circuit Court. This is a final decision on May 2, 2017.

DISCUSSION OF PETITIONS

INFORMATION ITEM: - A signed reclamation agreement and estimate related to the Price/Scharf Gravel Pit in case AP-17-01.

NEXT MEETING DATE – 7:00 P.M., June 6, 2017

ADJOURNMENT

McLean County Department of Building and Zoning

STAFF REPORT FOR A VARIANCE

CASE NUMBER ZV-17-04

1. REFERENCE

- a. Hearing date: May 2, 2017
- b. Applicants' names and address: Brian & Terry Funk, 5667 Maple Lane, McLean, IL 61754
- c. Owners' names and address: Same

2. **VARIANCE REQUESTED:** For a variance in the total area of accessory building requirements to be 7,856 square feet rather than 2,400 square feet as allowed, and a variance in side wall height requirements to allow side wall height of detached accessory building to be 18 feet in height rather than 12 feet as allowed in the R-1 Single Family Residence District.

3. LOCATION, CURRENT ZONING AND LAND USE:

- a. Property location: 5667 Maple Lane, McLean, IL 61754
- b. Size of Parcel: 4.85 acres
- c. Township: Funks Grove Township
- d. Parcel Number: 27-16-100-043
- e. Existing zoning: R-1 Residence District
- f. Existing land use: Residential

4. SURROUNDING ZONING:

- a. North: R-1 Single Family Residence District & A-Agriculture District
- b. East & South: A-Agriculture District
- c. West: R-1 Single Family Residence District

5. SURROUNDING LAND USE:

- a. North: Single family dwelling on wooded lot and vacant wooded lot
- b. East & South: Wooded Railroad right of way
- c. West: Single family dwelling and grain elevators on a wooded lot

6. **BACKGROUND INFORMATION:** The applicant proposes to build a 54 foot x 64 foot detached pole building. The applicant's property is in the R-1 Single Family Residence District. The R-1 Single Family Residence District is restrictive in the total accessory square footage for accessory buildings and side wall heights. When determining the total area of a property, the attached garage is considered. The lot is 4.85 acres which is large for a lot in the R-1 Single Family Residence District.


7. **STAFF ANALYSIS:** The analysis of the seven standards listed in Section 350-17.F.(1) (c) (Standards for Variances) of the McLean County Code as they apply to this variance request is as follows:

- a. **The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.** The size of the lot is 4.85 acres which is a large lot for an R-1 Single Family Residence District zoned property. The typical lot sizes in the R-1 Single Family Residence District are ½ acre to 1 acre in size. The proposed detached pole building will bring the total area of accessory structures to 7,856 square feet rather

than the 2,400 square feet allowed in the district. The property is primarily wooded and surrounded by properties which are also primarily wooded.

- b. **The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are applicable generally to other property within the same zoning classification.** The lot is large for the R-1 Single Family Residence District. The lot size is 4.85 acres which is larger than the typical lots which are sized from ½ an acre to 1 acre. The sidewall height of 18 feet will not likely impact the view from adjacent properties.
 - c. **The purpose of the variance is not based exclusively upon a desire to make more money out of the property.** The proposed 54 foot x 64 foot detached pole building will be used to store equipment used to maintain the property and will include such equipment as backhoe, skid steer, lumber, and hauling gear.
 - d. **The alleged difficulty or hardship is caused by this ordinance and has been created by persons presently having an interest in the property.** The Ordinance does not take into consideration such large lot sizes in the R-1 District.
 - e. **The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.** The proposed variance will not likely impact adjacent properties since the proposed detached accessory building will meet all the front, side, and rear setback requirements. The proposed side wall height will not obstruct neighbors view.
 - f. **The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.** The proposed variance will not likely impact adjacent properties since the proposed detached accessory building will meet all the front, side, and rear setback requirements. The proposed detached pole building will be surrounded by wooded vegetation.
 - g. **The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.** The applicant proposes building a detached pole building on a large 4.85 acre lot which will be used to maintain the wooded property and gravel lane.
8. **CONCLUDING OPINION:** Staff recommends that this application meets the standards set forth in Section 350-17.F. (1) (c) (Standards for Variances) of the McLean County Code.

Respectfully submitted,



Melissa Dougherty-O'Hara, County Planner

Attachment: Site Plan

Site Plan Case No. ZV-17-04



Brian & Teresa Funk Parcel No. 27-16-100-043

Att.: 2 Site Plan

**Brian & Terry Funk
Case No. ZV-17-04**



**Location of
Proposed 54'x64'
Detached Pole Building**

0

0.04

0.1 Miles

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Notes

SPECIAL USE PERMIT 97-11-S
RECLAMATION PLAN

Carri Scharf Trucking Inc. acknowledges that it is required under the Special Use Permit obtained in Case 97-11-S to reclaim the gravel pit located on parcel # 34-01-400-003. Carri Scharf Trucking Inc. agrees to abide by the reclamation plan to the specifications enumerated in the plan submitted in Case 97-11-S (attached are the reclamation plan and the Stipulations from the Findings of Fact).

Carri Scharf Trucking Inc. agrees to provide an estimate of the cost of reclamation according to the approved reclamation plan and this agreement signed to the Department of Building and Zoning by April 30, 2017.

The milestone dates outlined below shall be counted from two weeks after the date the property owner, the Barbara Scott Price Revocable Trust, allows Carri Scharf Trucking Inc. on the site including the area of the trench from the lake to the Kickapoo Creek, and may be delayed due to inclement or winter weather. Carri Scharf Trucking Inc. will keep the McLean County Department of Building and Zoning apprised of the reclamation progress.

Milestone Dates

- | | |
|----------|--|
| 30 Days | Remove scale and scale foundation from property and resolve the violation regarding the trench that was installed from the lake to the Kickapoo Creek and have surveyor mark the line for the top of bank for the edge of the H-1 Lake 50 feet from the east and west property lines as shown in the reclamation plan. |
| 60 Days | Move the sand/soil according to the approved reclamation plan. Clear an area to stock pile top soil for use in reclamation of the site. |
| 100 Days | Install top soil, sand and fill material according to the approved reclamation plan. Provide certification by an engineer that the lake is not closer to the east and west property lines from the top of the bank than shown on the approved reclamation plan and that the slope above the water line to the top of bank of the lake is not steeper than 3 to 1 (3 feet of run per 1 foot of rise). |
| 120 Days | Install seeding and plantings according to the approved reclamation plan. |

Dated: 4-28-17, 2017

Carri Scharf Trucking Inc.



By: Joseph Scharf

Its: President

Attachments: Reclamation Plan approved in Case 97-11-S, and
Stipulations from the Findings of Fact for Case 97-11-S

**Price Trust Gravel Pit
Reclamation Estimate**

The following are the estimates for the reclamation for Special Use Permit obtained in Case 97-11-S.

30 Days Remove scale and scale foundation from property and resolve the violation regarding the trench that was installed from the lake to the Kickapoo Creek and have surveyor mark the line for the top of bank for the edge of the H-1 Lake 50 feet from the east and west property lines as shown in the reclamation plan.

Estimate: \$5,150.00

60 Days Move the sand/soil according to the approved reclamation plan. Clear an area to stock pile top soil for use in reclamation of the site.

Estimate: \$3,500.00

100 Days Install top soil, sand and fill material according to the approved reclamation plan. Provide certification by an engineer that the lake is not closer to the east and west property lines from the top of the bank than shown on the approved reclamation plan and that the slope above the water line to the top of bank of the lake is not steeper than 3 to 1 (3 feet of run per 1 foot of rise).

Estimate: \$40,767.00

120 Days Install seeding and plantings according to the approved reclamation plan.

Estimate: \$3,500

Presumptions: Access will be permitted upon approval of estimate.

Estimate differs from prior estimate due to items included in schedule, not previously included in estimate by Dave Brown or Scharf Materials.

T. A. Scharf